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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/891,786	06/26/2001	James K. Beard	PD-00W043	1506

7590

05/28/2002

Leonard A. Alkov
Raytheon Company
P.O. Box 902 (E1/E150)
El Segundo, CA 90245-0902

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JUN 03 2002

EXAMINER

BUCZINSKI, STEPHEN C

ART UNIT

PAPER NUMBER

3662

DATE MAILED: 05/28/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

SK

Office Action Summary

Application No.

Applicant(s)

Examiner

Group Art Unit

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☐ Responsive to communication(s) filed on _____
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-43 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-43 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☒ Notice of References Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

Serial Number 09/891,786

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Art Unit 3662

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

3. Claims 1-43 are rejected under 35 U.S.C. § 102(b) or (e) as anticipated by or, in the alternative, under 35 U.S.C. § 103 as obvious over anyone of Wood, Hounam et al, Hanni et al, Adam et al, Yamashita, or Rozon.

All five references teach synthesizing a transponder's response to two or more different frequencies modulated with digitally stored information. Further typical transponder details would have been obvious, in not inherent, as broadly claimed.

4. Any inquiry concerning this communication should be directed to Stephen C. Buczinski at telephone number (703) 305-1835.

STEPHEN C. BUCZINSKI
PRIMARY EXAMINER

☆ U.S. GOVERNMENT PRINTING OFFICE: 1995-398-797

TO SEPARATE, HOLD TOP AND BOTTOM EDGES, SNAP-APART AND DISCARD CARBON

FORM PTO-892 (REV. 2-92)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		SERIAL NO. 09/891786		GROUP/UNIT 3662		ATTACHMENT TO PAPER NUMBER 2						
NOTICE OF REFERENCES CITED				APPLICANT(S) J. K. BEARD										
U.S. PATENT DOCUMENTS														
		DOCUMENT NO.						DATE	NAME	CLASS	SUB-CLASS	FILING DATE IF APPROPRIATE		
A		6	1	8	1	2	5	9	30 JAN. 2001	YAMASHITA	340	539		
B		5	8	4	2	1	1	8	24 NOV. 1998	WOOD, JR.	342	51		
C		5	8	2	1	8	9	5	13 OCT. 1998	HOUNAM ET AL	342	25		
D		4	5	6	6	0	0	9	21 JAN. 1986	HANNI ET AL				
E		5	4	3	8	3	3	2	1 AUG. 1995	ADAM ET AL	342	45		
F		6	3	4	2	8	4	4	29 JAN. 2002	ROZIN	342	42		
G														
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I														
J														
K														
FOREIGN PATENT DOCUMENTS														
		DOCUMENT NO.						DATE	COUNTRY	NAME	CLASS	SUB-CLASS	PERTINENT SHTS. DWG	PP. SPEC.
L														
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OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)														